

SUMMARY MINUTES OF THE SAINT PAUL CITY COUNCIL Wednesday, June 13, 2007 - 3:30 p.m.

CITY COUNCIL CHAMBERS, 3RD FLOOR City Hall and Court House 15 West Kellogg Boulevard

The meeting was called to order at 3:30 p.m. by Council President Lantry.

Present – 5 – Benanav, Bostrom, Harris, Helgen, Lantry

Absent -2 – Montgomery (arrived later in the meeting)

Thune (arrived after roll call)

CONSENT AGENDA (Items 1 - 19)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

Councilmember Benanav moved approval of the consent agenda.

Adopted Yeas - 6 Nays - 0

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

- 1. Claims of Graham M. Butler, Patrick Hedican IV, and Fredrick L. Washington. Referred to Risk Management
- Summons and Complaint in the matter of Laverne Irene Augusta Dickhudt and Herbert Dickhudt vs. the City of Saint Paul. Referred to the City Attorney's Office
- 3. Letter from the Office of the City Attorney announcing a public hearing before the City Council on June 20, 2007 to consider the report of the Administrative Law Judge concerning all licenses held by Billy Neng Yang, d/b/a Asian Cuisine, 945 Rice Street.
- 4. Letter from the Department of Safety and Inspections/Nuisance Building Enforcement declaring 78 Sycamore Street East a nuisance property, and setting date of Legislative Hearing for June 12, 2007 and City Council Public Hearing for July 5, 2007.

- 5. Letter from the Department of Safety and Inspections announcing a public hearing before the City Council on June 20, 2007 to consider the appeal of Goodmanson Construction to a decision of the Heritage Preservation Commission denying a retaining wall along the front property line at 579 Laurel Avenue (Historic Hill District). (File No. 07-167)
- 6. Letter from the Department of Safety and Inspections announcing a public hearing before the City Council on June 20, 2007 to consider the appeal of David Heide, David Heide Design Studio, to a decision of the Heritage Preservation Commission denying alteration of the front entry canopy and alteration of a front brick retaining wall at 1760 Summit Avenue, Summit Avenue West Historic District. (File No. 07-179)
- 7. Letters from the Department of Safety and Inspections declaring 182 Front Avenue and 11 Jessamine Avenue East as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

FOR ACTION

8. Approval of minutes of May 16 and 23, 2007.

Adopted Yeas - 6 Nays - 0

9. Resolution – 07-468 – Approving the May 1, 2007 through April 30, 2010 Maintenance Labor Agreement between the City and the Bricklayers and Allied Craftworkers Local Union 1 Minnesota/North Dakota. (Laid over from June 6 for adoption)

Adopted Yeas - 6 Nays - 0

10. Resolution – 07-516 – Establishing the rate of pay for the new classification titled Code Enforcement Supervisor in Grade 020 of Bargaining Unit 09, Saint Paul Supervisors Organization.

Adopted Yeas - 6 Nays - 0

11. Resolution – 07-517 - Establishing the rate of pay for the new classification titled Housing and Code Enforcement Manager in Grade 024 of Bargaining Unit 09, Saint Paul Supervisors Organization.

Adopted Yeas - 6 Nays - 0

12. Resolution -07-518 – Approving the polling location changes for the 2007 primary and general elections.

 $Adopted \qquad Yeas-6 \qquad Nays-0$

13. Resolution – 07-519 – Waiving the 45-day notification requirement and granting, with conditions, a liquor outdoor service area (sidewalk) license to Chatterbox Enterprises Highland, Inc., d/b/a The Chatterbox Pub, 800 South Cleveland Avenue.

Adopted Yeas - 6 Nays - 0

14. Resolution – 07-520 – Approving the application with conditions, per the Legislative Hearing Officer, of Kenneth J. Johnson, dba Grant Tattoo and Piercing, 961 Grand Avenue, for a Tattoo Parlor License.

 $Adopted \qquad Yeas-6 \qquad Nays-0$

15. Resolution – 07-521 – Approving the application, per the recommendation of the Legislative Hearing Officer, of Chanda Sour, President, A. Lim and Company dba Rite Liquor, 645 South Snelling Avenue, for Liquor Off Sale, Retail Food (A)-Grocery, 1-100 square foot and Cigarette/Tobacco Licenses.

Adopted Yeas - 6 Nays - 0

16. Resolution – 07-522 – Approving adverse action against all licenses held by Ketsana's St. Paul Restaurant, Inc., dba Ruam Mit Thai Cafe, 475 St. Peter Street.

Adopted Yeas - 6 Nays - 0

17. Resolution – 07-523 – Approving adverse action against the Massage Practitioner License held by Abby E. Stringer for the City of Saint Paul.

Adopted Yeas - 6 Nays - 0

18. Resolution – 07-524 – Adopting the City of Saint Paul's June 2007 Stormwater Permit Annual Report.

 $Adopted \qquad Yeas-6 \qquad Nays-0$

19. Resolution – 07-525 – Accepting an easement agreement between the City and the Minnesota Boat Club for the construction of a revetman (rip rap) project along the shoreline of the Minnesota Boat Club property on Raspberry Island.

Adopted Yeas - 6 Nays - 0

FOR DISCUSSION

20. Resolution Ratifying Assessment – 07-453 – In the matter of the assessment of benefits, cost, and expenses for summary abatement (property clean-up) at 1684 Stillwater Avenue [J0618A2]. (Public hearing held and laid over from May 16)

Legislatives Hearing Officer's recommendation is forthcoming – <u>spread the payments over five years</u>)

Marcia Moermond, Legislative Hearing Officer, said she researched the length of time that summary abatements can be deferred and it is five years for this type of assessment. Because of the circumstances with the property owner, who had an industrial accident, she recommended the payments be divided over a period of five year.

Councilmember Bostrom moved approval as amended.

Adopted as amended (per the recommendation of the Legislative Hearing Officer)

Yeas - 7 Nays - 0

21. Consideration of the appeal of Tom Dimond et al to a decision of the Planning Commission approving a Conditional Use Permit, Variances, and revised Site Plan for Holman Field subdrain improvements. (ZF 07-078-905) (Public hearing held and laid over from June 6)

Council President Lantry moved to lay over one week as information was not yet received from the City Attorney.

Laid over to June 20 Yeas - 7 Nays - 0

22. Consideration of the appeal of William Madden, Jr. to a decision of the Board of Zoning Appeals granting a side yard setback variance in order to construct a sunroom addition at 2215 Como Avenue. (ZF 07-081619) (Public hearing held and laid over from June 6)

Councilmember Benanav moved to deny the appeal saying he did not find any error in the Planning Commission's recommendation.

Motion of Intent – Appeal Denied Yeas – 7 Nays – 0

ORDINANCES

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE SAINT PAUL LEGAL LEDGER.

23. Final Adoption – 07-392 – An Administrative Ordinance establishing the minimum qualifications for the position of Fire Chief. (Amended May 23 and laid over for public hearing and final adoption) (Laid over from June 6 for final adoption)

Council President Lantry moved to introduce a substitute ordinance. She noted that an opinion was provided from the City Attorney's Office indicating that it was well within the City's rights to have the internal vs. external distinction between candidates but, because there may has been some interference, it could be called into question. As a way to avoid possible lawsuits, the substitute ordinance removes the language between internal and external candidates so all candidates will be required to have the qualifications of district chief or above and a BA degree.

Councilmember Bostrom asked if there is a national standard as to what a district chief is. Council President Lantry responded that she was sure there was not a standard. It was never defined from the beginning. However, the substitute ordinance says what is required in the command level experience.

Councilmember Montgomery said when cities of similar size were looked at, they talked about progressive experience including budgets, employee assistance programs, discipline, etc. She asked if a district chief does any of those things. Council President Lantry responded that there is a distinction between district chief and above and having a BA. The reason for having district chief and above is because they are looking for command level experience. Angie Nalezny, Human Resources Director, made it clear that "appointed as a district chief" means that they took the test, Lantry said. It doesn't mean it was the prerogative of the chief to put someone in the position but rather was someone who passed the Civil Service exam, went through the interview process and was appointed district chief.

Discussion ensued.

Substitute amended and laid over to June 20 for final adoption Yeas - 6 Nays - 1 (Montgomery)

24. Final Adoption – 07-401 – An ordinance establishing a Qualifications and Examining Committee for the position of Fire Chief.

Concil President Lantry moved to amend the ordinance by removing Tom Smith and adding Dave Gilbraith

Adopted as amended Yeas -7 Nays -0

25. First Reading – 07-526 – An ordinance amending Chapter 33.07 of the Saint Paul Legislative Code to provide for variances of corner clearance requirements. Laid over to June 20 for second reading

Suspension Item:

Councilmember Montgomery moved suspension of the rules to introduce the following resolution: Yeas - 7 Nays - 0

Resolution – 07-527 - Authorizing the Police Department to enter into an agreement with Independent School District #625 to provide services for the School Resource Officer Program (SRO) from July 1, 2007 through June 30, 2008. (GS 3040752)

Councilmember Montgom Adopted Yeas – 7	7 11
Councilmember Thune moved to a	adjourn the meeting. $Yeas - 7$ $Nays - 0$
ATTEST:	ADJOURNED at 3:55 P.M.
Mary Erickson Assistant Council Secretary	Kathy Lantry, Council President
Submitted by: Mary Erickson	June 27, 2007 Minutes approved by Council